

# House File 2011 - Introduced

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BY JONES

## A BILL FOR

1 An Act relating to the criminal offense of sexual exploitation  
2 by a school employee.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 709.15, subsection 1, paragraph f, Code  
2 2016, is amended to read as follows:

3 f. (1) "School employee" means a any of the following,  
4 except as provided in subparagraph (2):

5 (a) A practitioner as defined in section 272.1 or a.

6 (b) A person issued a coaching authorization under section  
7 272.31, subsection 1.

8 (c) A person employed by a school district full-time,  
9 part-time, or as a substitute.

10 (d) A person who performs services as a volunteer for a  
11 school district and who has significant contact with students.

12 (e) A contract employee of the school district who has  
13 significant contact with students.

14 (2) "School employee" does not include a student enrolled  
15 in a school district. A person who would otherwise meet  
16 the definition of school employee under subparagraph (1),  
17 subparagraph divisions (b) through (e), shall not be considered  
18 a school employee for purposes of this paragraph "f" if the  
19 person is less than four years older than the student with whom  
20 the person engages in conduct prohibited under subsection 3,  
21 paragraph "a", and the person is not in a position of direct  
22 authority over the student.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with  
25 the explanation's substance by the members of the general assembly.

26 This bill expands the Code provision that establishes the  
27 criminal offense of sexual exploitation by a school employee  
28 to include a person employed by a school district full-time,  
29 part-time, or as a substitute; and a person who performs  
30 services as a volunteer or contract employee for a school  
31 district and who has significant contact with students.

32 However, under the bill, "school employee" does not include  
33 a student enrolled in a school district. A person who would  
34 otherwise meet the definition of school employee shall not be  
35 considered a school employee if the person is less than four

1 years older than the student and is not in a position of direct  
2 authority over the student.

3     Currently, a school employee is defined to include any  
4 practitioner or coach who is licensed or authorized by the  
5 board of educational examiners. The current definition does  
6 not limit employment to a public or nonpublic school.

7     A person who commits sexual exploitation by a school  
8 employee in violation of Code section 709.15(3) commits either  
9 an aggravated misdemeanor, which is punishable by confinement  
10 for no more than two years and a fine of at least \$625 but not  
11 more than \$6,250; or a class "D" felony, which is punishable  
12 by confinement for no more than five years and a fine of at  
13 least \$750 but not more than \$7,500. The person's actions also  
14 constitute unprofessional and unethical conduct that may result  
15 in disciplinary action by the board of educational examiners  
16 and the person must register as a sex offender.